Congress of the United States
House of Representatives

May 12, 2021

Ambassador Katherine C. Tai
United States Trade Representative
600 17th Street NW
Washington, DC 20508

Dear Ambassador Tai,

We write to express our disappointment in the Administration's decision to support a proposal to waive intellectual property (IP) protections for COVID-19 vaccines. While we share your goal of ramping up vaccine manufacturing and distribution, promoting global coordination, and getting ample supplies of safe and effective vaccines to people in every country as quickly as possible, we are concerned that the proposed IP waiver will not serve that goal, is counterproductive to the Administration's stated objectives, and would grant strategic adversaries like China access to these groundbreaking innovations. We hope that you will consider these views as you prepare to engage in discussions over this waiver at the World Trade Organization (WTO).

As the COVID-19 pandemic continues to rage around the world, we know that governments and the private sector must redouble our efforts to increase vaccination worldwide. In the United States, the successful efforts of Operation Warp Speed leveraged both government investment and private sector innovation to cut red tape and deliver safe, effective vaccines in record time. To address the ongoing humanitarian crisis in countries like India, which is experiencing devastating outbreaks of COVID-19, we need a global Operation Warp Speed to increase the supply of raw materials, scale up production of vaccines, and coordinate the distribution of billions of COVID vaccines. Additionally, with the spread of variants, it is in everyone's interest to bring an end to the pandemic as swiftly as possible.

However, we are concerned that a waiver of IP protections would do more harm than good in delivering on the shared goal of vaccinating the world. A key concern is that of raw material supply. As Pfizer CEO Albert Bourla noted last week, the mRNA vaccine developed by Pfizer and BioNTech contains 280 different materials or components produced by suppliers in 19 different countries. This tightly coordinated supply chain is at risk of severe disruption if the proposed IP waiver is granted, as these new producers are likely to be less experienced with producing complex biological products such as mRNA vaccines. While manufacturers like Pfizer, Moderna, and others have been steadily increasing their efficiency and production capacity as they gain experience with manufacturing their COVID-19 vaccines, these new

producers will be consuming scarce inputs while they are still in the trial-and-error process. In addition to efficiency, there are questions about safety and quality. Even experienced manufacturers in the United States are not immune from production problems. If unlicensed producers have similar problems, especially for the complex mRNA vaccines, it could undermine confidence in the vaccine itself and contribute to the already significant problem of vaccine hesitancy.

In addition, we are concerned that giving the intellectual property rights of private industries away to other countries will make these medical and biotechnology innovators less likely to engage in public-private partnerships with the federal government, leaving us exposed and underprepared for the next pandemic. We must consider the future safety and health security of all Americans, and maintaining strong IP protections for vaccines and therapeutics is an important way to ensure we have a sustained capacity for future innovation.

The release of drug industry IP patents will not address the problem we are trying to solve. It takes time to develop, test, and approve new vaccines for distribution. The most timely and efficient means of getting vaccines into the hands of other countries is to establish agreements with current innovators to help supply vaccines to the rest of the world. The IP transfer path is not a solution for global access, and will only make it easier for adversaries like China to steal American innovation and hurt America's continued global leadership and the welfare and livelihood of future generations of Americans.

Again, we share the Administration's goal of rapidly increasing the pace of global vaccination. It is in every nation's interest to ensure that this pandemic comes to an end as soon as possible. We stand ready to work with you, the President, and the entire U.S. Government to deliver more vaccines by addressing the true logistical problems that are holding back the global vaccine effort. We appreciate that the Administration has taken some steps to solve those problems, such as by allowing exports of Pfizer doses manufactured in the United States and beginning distribution of the AstraZeneca vaccines manufactured but not yet authorized in the United States.

We hope that you will reevaluate the decision to agree to a TRIPS waiver and instead consider available, effective solutions to this problem and work with Members of Congress to rapidly accelerate global access to COVID-19 vaccines without jeopardizing global pharmaceutical innovation, disrupting existing vaccine supply chains, and tarnishing exceptional American leadership on intellectual property.

Sincerely,

Brad R. Wenstrup
Member of Congress

A. Drew Ferguson IV
Member of Congress

Darin LaHood
Member of Congress